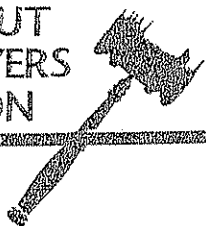


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Raised Bill 1253

Public Hearing: 3-5-07

TO: MEMBERS OF THE PUBLIC HEALTH COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 5, 2007

**RE: OPPOSITION TO RAISED BILL 1253 – AN ACT CONCERNING IMMUNITY FOR
TREATMENT OF DRUG OVERDOSES WITH OPIOID ANTAGONIST**

The CTLA **opposes raised bill 1253**, and respectfully contends that the bill should be defeated.

This proposal attempts to expand the immunity in C.G.S. 17a-714a provided to licensed health care providers for dispensing or administering opioid antagonists.

Any expansion of this immunity provision is strongly opposed by the CTLA. This expansion does two things that are particularly objectionable.

First, by removing the language "to such person" in line 7 of the proposal this bill needlessly expands the immunity to any citizen under any circumstance, instead of the original intention of the law of giving the licensed health care provider immunity as against suit from the individual they are trying to help by administering the opioid antagonist. The CTLA feels strongly that broad expansions of immunity provisions such as this are against public policy, as they throw the net too wide, possibly encompassing citizens that may have legitimate causes of action and who were never intended to be covered.

Second, the proposal extends the immunity to any subsequent use of such opioid antagonists. This extension not only gives more immunity than originally intended by the law, but may very well conflict with the Federal Emergency Medical Technician Active Labor Act, which requires that a health care provider treat a patient who walks into an emergency room until he is stable. By extending the immunity to all subsequent uses of the opioid antagonist, the state is attempting to bestow immunity on the health provider for acts which on their face violate federal law.

C.G.S. 17a-714a is a narrowly drafted immunity provision which deprives citizens of their rights to pursue legal action against health care providers who need to act in emergency situations by administering upon the citizen an opioid antagonist. The CTLA feels the expansions sought in this proposal far overshoot the mark of the original intention of the existing law.

WE RESPECTFULLY URGE YOU TO DEFEAT RAISED BILL 1253. Thank you.